

APPLICANT'S VARIANCE JUSTIFICATION *please type or print in black ink*

Pursuant to Sec. L-II 5.7 of Zoning Regulations, and Sec. L-XVI 2.6 Fire Safe Regulations (if applicable), of the County Land Use and Development Code, the following listed findings must be made by the hearing body in order to grant a variance. Please provide written explanation of why your request satisfies the required findings (attach a separate sheet for this information if necessary):

- 1. The variance, if granted, does not constitute the granting of a special privilege inconsistent with the limitations placed on other properties in the vicinity and in the same zoning district in which the subject property is located, because:**

To allow for the mining operations on the surface of the Brunswick Industrial Site, including processing, waste disposal, and the reclamation thereof (subject to the regulations in Section L-II 3.22, Surface Mining Permits and Reclamation Plans, of the County Zoning Ordinance), the site is proposed to be rezoned Light Industrial (M1) with Mineral Extraction Combining District (M1-ME). Thus, the proposed activities on-site would be allowed uses within the zoning ordinance, and not a special privilege. To be able to execute the activities allowed on-site, certain structures must be taller than 45 feet. Thus, the variance would only make it feasible to implement those activities already determined to be allowed within the Light Industrial (M1) with Mineral Extraction Combining District (M1-ME).

- 2. There are special circumstances applicable to the subject property including size, shape, topography, location or surroundings and because of these circumstances, the strict application of the provisions of this Chapter would deprive the subject property of privileges enjoyed by other properties in the vicinity and in the same zoning classification, because:**

The Brunswick Industrial Site is a unique property due to its location above an identified gold resource and the existing infrastructure (i.e. Brunswick Shaft) providing access to this resource. The property's size, location, and access to local roadways provides the ancillary characteristics necessary to support a project of this magnitude and importance. No other properties in the area with similar zoning provide all these characteristics.

- 3. The variance does not authorize a use not otherwise authorized by the zoning district in which the property is located, because:**

With the rezone, the proposed use (gold mining and processing and the reclamation thereof) would be an authorized use. Increasing the allowed building height would not allow for an unauthorized land use.

- 4. The granting of the variance does not, under circumstances and conditions applied in the particular case, adversely affect the public health, safety, or welfare, the integrity and character of the District, nor the utility and value of nearby property, because:**

The increased building heights would be designed, constructed, and operated in compliance with the Occupational Safety and Health Administration (OSHA) requirements, zoning standards, the County building code, the health and safety code, Nevada County Consolidated Fire District rules, and other applicable County and State regulations. Therefore, the variance would not allow a use that would adversely affect the public health, safety, or welfare; the integrity and character of the district; or the

utility and value of surrounding property.

5. The variance is consistent with the Nevada County General Plan because:

The increased building heights would be designed, constructed, and operated in compliance with the Occupational Safety and Health Administration (OSHA) requirements, zoning standards, the County building code, the health and safety code, Nevada County Consolidated Fire District rules, and other applicable County and state regulations. In addition, the project building heights would comply with the *Nevada County Airport Land Use Compatibility Plan* (NCALUCP) and would not create aesthetic impacts. The project site is partially within Zones D and E of the NCALUCP. For Zone D, airspace review is required for objects greater than 3,207 feet mean sea level (msl) (See Table 2A of the NCALUCP). The tallest point of the project site (the 165-foot-tall headframe building) would be at 2,912 feet msl. In addition, the project is not a noise-sensitive use, would not pose a hazard to flight, and would not exceed the density requirements; therefore, the project would comply with the requirements of the NCALUCP for Zones D and E. The proposed project would be required to be reviewed by the Airport Land Use Commission because, among other reasons, it would include new development of buildings more than 100 feet tall in Zones D and E (See Policy 1.4.3 of the NCALUCP).

Regarding aesthetics, site visibility would be limited by the surrounding trees and topography and would be consistent with the industrial nature of the surrounding area. The buildings would not be visible from a designated state scenic highway. Lighting would include shielded fixtures to minimize light pollution and nighttime glare and would comply with applicable zoning standards and County building codes.

A detailed analysis of the project's consistency with the *Nevada County General Plan* and zoning regulations will be included in the *Idaho-Maryland Mine Land Use Technical Study* that is being prepared by Benchmark Resources and will be evaluated by Nevada County as part of their environmental review process. The technical report will be completed in December 2019.

6. The variance is the minimum departure from the requirements of this ordinance necessary to grant relief to the applicant, because:

The building heights are the minimum required to make the mining operations feasible and ensure the safe operation and movement of personnel and equipment. A new headframe building will be constructed at the existing Brunswick Shaft and concrete silo. In order to place rock into the concrete silo the headframe must be a height of 165 feet. The new Service Shaft headframe requires a height of 80 feet in order to allow hoisting of cages to transport people, materials, and equipment to and from the underground mine. The Process Plant requires a height of 65 feet to allow necessary machinery for the paste backfill plant to be installed and for an overhead hoist system to be installed in the building to install, replace, and maintain process equipment.

7. (Applicable only to variances to fire protection measures, i.e., side and rear yard setbacks) The granting of a variance provides the same practical effect of fire protection because the following substitute measures have been incorporated into the project:

Not applicable.

VARIANCE **FILING INSTRUCTIONS & CHECKLIST**

This form must be filed with your application. Please check off (✓) each item to verify that the required information is attached. Your application will not be accepted if any required item is missing.

1. The signed and completed Application form, including a letter of authorization from the property owner(s) if forms are signed by a Representative.

Submitted with the Application Packet for a Use Permit.

2. Completed "Applicant's Variance Justification" form.

Variance Justification form attached (see page 1).

3. Filing fees pursuant to the most recently adopted Resolution of the Board of Supervisors.

Filing fees paid on November 20th, 2019 at the time of application submission.

4. The signed and completed Agreement to Pay Form.

Submitted with Mining Use Permit Application Packet.

5. Two copies of the property Grant Deed, verifying ownership and the legal description of each affected parcel.

Submitted with Mining Use Permit Application Packet.

6. The Hazardous Waste Statement forms.

Submitted with Mining Use Permit Application Packet.

7. Photos of the site and a site plan reduction indicating where photos were taken.

Submitted with the Application Packet for a Use Permit. See Appendix A: Site Photo Location Key & Site Photos of the Project Information Questionnaire.

8. Two copies of building elevations and floor plans; including square footage calculations. Plans must be drawn to a recognizable scale.

Submitted with Application Packet for a Use Permit (Building Elevations & Floor Plans: Figures B301, 302, 303, 304, 305, and 306).

- 9. 10 folded copies of a site plan drawn per instructions. All **plans must be folded** to a maximum 8 ½" X 14" size. Unfolded plans will not be accepted.

Submitted with Mining Use Permit Application Packet (Site Plan Drawings: Figures A101, A201, A202, A1, B101, B102, B103, B1, B104, B2, C101, C102, C1, and C2).

- 10. One 8 ½" x 11" reduction of the site plan.

Submitted with Application Packet for a Use Permit.

FORM/CONTENT OF SITE PLAN

The following information shall be provided on the site plan, if applicable.

- 1. The site plan shall be fully dimensioned and drawn to a commonly recognized architect's or engineer's scale, IN INK. The legal lot size shall be shown.
- 2. Provide a vicinity map showing the general project location (1" = 2000' scale) in relationship to the surrounding area with the mileage from the nearest County road shown. Include Section, Township, and Range.
- 3. Provide a North arrow and the scale to which the plan is drawn.
- 4. Provide a legend which includes:
 - a. the project proposal (Variance for
 - b. property owner(s)/applicant name(s)
 - c. applicant's representative, if any
 - d. date of Site Plan preparation
 - e. Assessor's Parcel Number
- 5. Show the location and names of all abutting roads, including rights-of-way boundaries, road centerlines, width of traveled way, type of surfacing and grades.
- 6. Show location of sewage disposal systems and wells.
- 7. Show all required setbacks for buildings, waterways, sewage disposal and well sites.
- 8. Show the location and purpose of all existing public and private utility easements.
- 9. Show location of all existing and proposed structures on the property; show their setbacks from property lines, label their use and show their size (gross square footage by floor).

10. Delineate any *applicable* environmentally sensitive areas as listed in Sec. L-II 4.3.3 of Zoning Regulations. Mapping should reflect any resources identified and mapped in any specialized studies that have been prepared for this project.

Note that applicability will vary, dependent on the type of land use. For example, variances for single family residential use will not be subject to the same Resource Standards that apply to other discretionary projects.